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FINISHED WITH METERS

Reporter Tells How Favorable  
Aldermanic Report Was Re-  
versed to a Rejection.

After a day spent exposing the loose methods of the Board of Aldermen, wherein it was shown that a report had been made indicating committee action in direct variance of what actually had happened, Samuel Untermyer, counsel for the Lockwood Legislative Committee, yesterday laid the groundwork for testimony to-day which he believes will expose price fixing organizations handling building supplies far more comprehensive than anything yet revealed.

The committee's side excursion into the water meter field probably has gone as far as it will. It served Mr. Untermyer to bring out an admission from Alderman William T. Collins, chairman of the committee on general welfare, that committee members frequently sign reports in blank and allow them to be filled in later by some other individual, perhaps a clerk. "It may not be good business, but that's the way it's done in the board," Collins declared.

In his efforts to get at the underlying reason why the application of the Badger Water Meter Company of Milwaukee did not receive consideration when it was made first in 1919 and referred to the Committee on Buildings, Mr. Untermyer got no assistance from Alderman William P. Kenneally, chairman of the committee. Kenneally refused to waive immunity from criminal prosecution and was not put on the stand. Alderman Frank A. Cunningham also refused to waive immunity and was not examined.

### Bribe Suggestion Is Denied.

The record of yesterday's testimony covering the alleged falsification of the general welfare committee's report and that of William S. Cetti, Eastern representative of the Badger Water Meter Company, who said he had been approached by one John E. Skelly, a former plumber, and told that his meter resolution would not go through unless he "greased the wheels," was turned over Deputy Attorney-General Samuel A. Berger for Grand Jury action. Mr. Skelly, called as a witness, waived immunity, and denied having ever conveyed such a message to Cetti. Mr. Untermyer today will continue his examination of Frank S. Hanley of 261 Broadway, who took the stand just before adjournment yesterday. Mr. Hanley, who lives in Jersey City, said he had been advised by counsel and would insist on his right to immunity from possible prosecution resulting from his testimony. He said he was secretary of four manufacturers' and jobbers' associations, each of which complied in its membership several manufacturers and jobbers of products entering into building construction. Counsel for the committee showed that these covered the entire country, with the possible exception of the Pacific coast.

The committee's information is that the combined organizations represent aggregate capital of \$200,000,000 or \$400,000,000 and that they exercise virtually a complete control of prices of the more important factors that enter into the building industry. One of these, the enamel, Ware Manufacturers Association, Mr. Untermyer intimated, was a rejuvenation of the old "Bathtub Trust" dissolved by the United States Supreme Court. When he asked Mr. Hanley if the association was made up of old members of the "Bathtub Trust" the witness replied he supposed so.

"Well," asked the lawyer, "by what process did they emerge from their illegal association to membership in the new organization?" The witness replied he did not know.

The headquarters of the enamel ware manufacturers' organization is in Pittsburgh, beyond the jurisdiction of the committee.

### Trying to Get the By-Laws.

"Will you as secretary," Mr. Untermyer asked, "wire this member organization and ask for copies of its constitution and by-laws?" Mr. Hanley asked leave to think the matter over, saying he would inform Mr. Untermyer of his decision to-day.

Earlier in the day the proceedings were not without incidents sometimes enlightening, more frequently amusing. Oral tilts and sallies characterized the testimony of Alderman Collins, who was not asked to waive immunity. The chamber was packed throughout the hearing by an audience that sometimes applauded the witness and sometimes the examiner.

Alderman Collins admitted he told Mr. Cetti that he favored his application and that he "shouldn't be kept out any longer." He said by this he meant that he favored reporting the resolution out of committee, and that while he had intended to vote for its adoption in the board he could not speak for his colleagues on the committee. Mr. Untermyer wanted to know what it was that caused the Alderman to change his mind between that occasion, April 8, and the time of the meeting of the board, April 13, inasmuch as there had been no open opposition expressed toward the proposal.

Mr. Collins threw the major part of the blame for his turning "thumbs down" on the proposal when it reached the board on Alderman Robert Starr Olney, who, he said, had made some insulting remarks about "unscrupulous Tammany Hall politicians." He added that Alderman John J. O'Rourke's opposition because the Badger meter was not made in New York might have influenced him, but not "to any very great extent."

Mr. Untermyer wanted to know if Alderman Collins did not regard his action as a violation of his oath of office in changing his mind and voting against a proposal of the merits of which he said he had been convinced. Mr. Collins said he did not so consider it. He said he did not believe the introduction of another water meter was going to make "houses spring up over night and bring rents down."

Mr. Collins insisted that when final action was taken he explained why he was to vote against it. Mr. Cetti testified that Alderman Collins never uttered a word on a proposal to postpone meeting. The discrepancy was permitted to remain unexplained, as there are no stenographic minutes taken of the board's proceedings, although Alderman Becker, Socialist, and Alderman Eastwick, Republican, who made charges of forgery and underhand work in connection with the general welfare committee's report, agreed in their testimony that their charges went uncontroverted by Alderman Collins or any one else.

### Less Majesty Kills the Measures.

Mr. Untermyer asked Alderman Collins:

"When a resolution is before the body, or an ordinance, when an attack is made on a majority leader in any legislative body that invariably means defeat for the measure?" Mr. Collins, who is the Democratic majority leader of the board, replied: "I think so."

"No matter what the merits may be of the matter before the house?" pursued Mr. Untermyer.

"When somebody says something like that I usually forget the merits," Mr. Collins admitted.

Clarence G. Worden, a reporter for the Brooklyn Standard-Union, testified he had attended the committee meeting when it was decided to report the meter resolution favorably. Later, the day of the board meeting, he said he had been told by a Democratic member, whose name he declined to give on the ground that it was a confidential communication, that the resolution was to be defeated because "orders had gone out to kill it."

Another Democratic Alderman, Worden said, told him he was going to support the resolution.

"Well, how did he vote?" Mr. Untermyer asked.

"I watched him, and when they called

his name he voted in the clerk's ear," the witness explained.

Worden said that he had sought without success to get copies of the General Welfare Committee's minutes, but that Alderman Collins had refused to give them out. Alderman Collins explained that he did this because he did not believe in giving newspaper reporters everything they asked for, even if the information should concern public business.

## BUILDING MATERIAL MEN PLEAD GUILTY

13 Corporations, 19 Individuals Broke Anti-Trust Law.

Nineteen individuals and thirteen corporations, members of the Association of Dealers in Masons' Building Materials, pleaded guilty yesterday before Justice Vernon M. Davis in the Supreme Court to conspiracy to violate the State anti-trust law. They will be arraigned for sentence May 8 and will be continued in jail until then.

The individuals who pleaded guilty were John A. McCarthy of 243 West Seventeenth street, a former business partner of Charles F. Murphy's brother, John; John M. Kilkullen of 817 East 155th street, The Bronx; Patrick J. Heaney of 654 King avenue, City Island; Francis W. Howland of 25 West Ninety-fifth street, Daniel Barrow of Southerly Duvall, Wright D. Gosa of 46 West Seventy-third street, John P. Kane of Hewitt, L. J.; William E. Beattie of 242 Jefferson avenue, Brooklyn; William H. Schmitt, Jr., of New Brighton, S. I.; Graziopoli Marzetta of 27 East Eighty-third street, James Noonan of 158 East 149th street, The Bronx; John A. Philbrick of 375 Park avenue, Joseph Philbrick of Sound Beach, Conn.; Alden J. Harcourt of 608 West Forty-seventh street, Walter W. Kilder of Kew Gardens, L. I.; Frank B. Wise of 236 West 101st street, Theodore C. Wood of 392 West 103d street, Robert W. Main of 867 Eighth street, Brooklyn, and Henry Jova of Newburgh.

The corporations that pleaded guilty were Bell & Kilkullen, Inc., of 1418 West Farms road; Builders Brick and Supply Company, Inc., West Farms road and 113d street; Candia, Smith & Howland Company, foot of East Twenty-sixth street; Rufus Darrow's Sons, Inc., foot of West Forty-ninth street; Empire Brick and Supply Company, 103 Park avenue; Martin & Schmitt Company, foot of East 109th street; Neuman Building Material Company, Inc., 162d street and Harlem River; John A. Philbrick & Co., foot of East Ninety-seventh street; Standard Building Supply Company, Inc., 608 Thomas company, foot of Third street, East River; Frank B. Wise & Son, Inc., foot of East Ninety-seventh street, and the Jova Brick Works, foot of West Forty-ninth street.

The remaining thirty-four individuals and six corporations, who are under indictment, will be placed on trial May 13 if they have not pleaded on or before that date.

The defendants who pleaded yesterday were members of what was known as the "Forty-second street group." They were members of the Builders' Supply Bureau, an organization formed to see that prices fixed by the Association of Dealers in Masons' Building Materials, 18 Broadway, were enforced.

## WANTS ACCOUNTING OF O. H. PAYNE ESTATE

Servant Seeks Payment of  
\$3,800 Bequest to Her.

Mrs. Emma Hoort of Esopus, N. Y., petitioned the Surrogate's Court yesterday to compel Lewis Cass Ledyard, Jr., and Payne Whitney, administrators of the estate of Oliver H. Payne, Standard Oil capitalist, to file an accounting of their stewardship since their appointment in June, 1917.

She described herself as general manager and cook for the employees in the garage of the Payne estate at Esopus. She alleges that under provisions of Mr. Payne's will leaving bequests to faithful employees she is entitled to \$2,500, but that the administrators have refused to pay this sum when she demanded it. She alleges an accounting will show that there are sufficient funds for such a payment.

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